



Utility Patent
Ser. No. 10/611,821

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsengas, Steve)	Date:	October 13, 2004
)		
Serial No.: 10/611,821)	Group Art Unit:	3643
)		
Filed: 07/01/2003)	Examiner:	Andrea Valenti
)		
Title: Nutrient and Anti-microbial)		
Agent Delivery Method)		

Certificate of Mailing

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TERRY LAKOS

Adjustment date: 11/16/2004 DBATES
10/21/2004 00000004 072380 10611821
01 FC:2202 9.00 CR

Signature

Terry Lakos

RESPONSE / AMENDMENT

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Dear Sir:

In response to the communication from the Examiner dated 09/27/2004, please accept the

following response:

10/19/2004 YPOLITE1 00000024 072380 10611821
01 FC:2202 9.00 DA

**Utility Patent
Ser. No. 10/611,821**

pertinent art to combine the present claimed and disclosed combination of elements. To reject the present application as a combination of old elements leads to an improper analysis of the claimed invention by its parts, and instead of by its whole as required by statute. Custom Accessories Inc. v. Jeffery-Allan Industries, Inc., 807 F.2d 955, 1 USPQ 2d 1197 (Fed. Cir. 1986); In re Wright, 848 F.2d 1216, 6 USPQ 2d 1959 (Fed. Cir. 1988).

Therefore, in view of foregoing amendments and clarifications, the applicant submits that allowance of the present application and all remaining claims, as amended, is in order and a formal Notice of Allowance is respectfully requested at the earliest possible date.

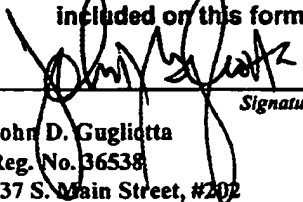
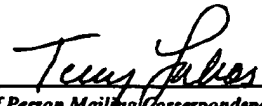
Respectfully submitted,

A handwritten signature in cursive script, reading "Olen L. York, III".

Olen L. York, III, Esq.
Registration No. 53,814

202 Delaware Building
137 South Main Street
Akron, OH 44308
(330) 253-5678
Facsimile (330) 253-6658

IFW 8

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. 1024	
Applicant(s): Steve Tsengas					
Application No. 10/611821	Filing Date 07/01/2003	Examiner Andrea Valenti	Customer No. 33055	Group Art Unit 3643	Confirmation No. 3013
Invention: Nutrient and Anti-microbial Agent Delivery Method					
COMMISSIONER FOR PATENTS:					
Transmitted herewith is an amendment in the above-identified application.					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	20 =	1 x	\$9.00	\$9.00
INDEP. CLAIMS	3 -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$9.00
<input type="checkbox"/> No additional fee is required for amendment.					
<input checked="" type="checkbox"/> Please charge Deposit Account No. 07-2380 in the amount of \$9.00					
<input type="checkbox"/> A check in the amount of to cover the filing fee is enclosed.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 07-2380					
<input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16.					
<input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<div style="text-align:right"> Signature</div> <div>John D. Gugliotta Reg. No. 36538 137 S. Main Street, #202 Akron, OH 44308</div>			Dated: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 10-14-04 (Date)<div style="text-align:right"> Signature of Person Mailing Correspondence</div><div style="text-align:right">Terry Lakos Typed or Printed Name of Person Mailing Correspondence</div></div>		
cc:					